



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,917	03/21/2000	Andrew Sharp	P11547(34648-00440USPX)	7310
27045	7590	04/27/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			TRAN, PABLO N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,917

Applicant(s)

SHARP ET AL.

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-15,17-22,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-15, 17-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Macridis et al.* (GB2320162) in view of *Gilman et al.* (EP0763940).

As per claims 1 and 4, *Macridis et al.* disclosed a method of providing services to a mobile terminal in a mobile communication system wherein requesting a set-up of an additional call while the number of n active calls with m different bearer capabilities associated thereto is already set up and deciding whether to set up the additional call in parallel/concurrently or reject the new call (abstract, fig. 8, pg. 8/ln. 17-20, pg. 17/ln. 12-pg. 19/ln. 5). *Macridis et al.* do not specifically disclosed choosing the active call to be place on hold in associated with the bearer. However, such method is well known in the art, as suggest by *Gilman et al.* (fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15). Therefore, it is obvious to one of ordinary skill in the art to provide such method as suggested by *Gilman et al.* to the communication system with bandwidth allocation of *Macridis et al.* to order to effectively utilized system bandwidth resource.

As per claims 5-7, 9-11, 18, and 20-22, the modified communication system of *Macridis et al.* does not specifically disclose that such decision (accept, reject, hold, forward, conference) of additional new call is based on user settings. However, such user's setting. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such method to the communication system with bandwidth allocation of *Macridis et al.* in order to effectively utilize system bandwidth resource, to screen caller, and also to save money incurred from roaming or long distance charges.

As per claim 8, the modified communication system of *Macridis et al.* further discloses call waiting (see *Gilman et al.*, fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 12, the modified communication system of *Macridis et al.* further discloses conference call (see *Gilman et al.*, fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 13, the modified communication system of *Macridis et al.* further discloses call forwarding (see *Gilman et al.*, fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 14, the modified communication system of *Macridis et al.* further discloses the services are supplementary services (see *Macridis et al.*, abstract, fig. 8, pg. 8/ln. 17-20, pg. 17/ln. 12- pg. 19/ln. 5, see *Gilman et al.*, fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claims 15, as stated above in claim 1, the modified communication system of *Macridis et al.* further discloses a comparator to compare a bearer capability associated with a requested call set up with m bearer capabilities of the n active calls, a first unit to decide whether the request call set up should be offered as a new parallel call or a rejected call and a storage to store information about the active calls (abstract, fig. 8, pg. 8/ln. 17-20, pg. 16ln. 1-24, pg. 17/ln. 12- pg. 19/ln. 5). *Macridis et al.* do not specifically disclosed choosing the active call to be place on hold in associated with the bearer. However, such method is well known in the art, as suggest by *Gilman et al.* (fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15). Therefore, it is obvious to one of ordinary skill in the art to provide such method as suggested by *Gilman et al.* to the communication system with bandwidth allocation of *Macridis et al.* to order to effectively utilized system bandwidth resource.

As per claim 17, the modified communication system of *Macridis et al.* further discloses such storing of call identification, bearer identification & capability (see *Macridis et al.*, abstract, fig. 8, pg. 8/ln. 17-20, pg. 16ln. 1-24, pg. 17/ln. 12- pg. 19/ln. 5, see *Gilman et al.* , fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 19, the modified communication system of *Macridis et al.* further discloses such decision indication (see *Macridis et al.*, abstract, fig. 8, pg. 8/ln. 17-20, pg. 16ln. 1-24, pg. 17/ln. 12- pg. 19/ln. 5, see *Gilman et al.* , fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 24, the modified communication system of *Macridis et al.* further discloses such logical unit located within the network (see *Gilman et al.* , fig. 2-5, fig. 10A-fig. 21F, col. 14/ln. 6-col. 18/ln. 15).

As per claim 24, the modified communication system of *Macridis et al.* further discloses such logical unit located within the mobile device (see *Macridis et al.*, abstract, fig. 8, pg. 8/ln. 17-20, pg. 16ln. 1-24, pg. 17/ln. 12- pg. 19/ln. 5).

Allowable Subject Matter

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Application/Control Number: 09/531,917
Art Unit: 2685

Page 6

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

April 16, 2005


4/16/05